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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PABLO TORRES ZARAGOSA,

Defendant.

No. CR 14-00446 JD

STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF HEARING DATE
AND (2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

Current Hearing Date: October 17, 2014
Proposed Hearing Date: December 2, 2014

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Northern District of California and Assistant United States Attorney Garth Hire, and defendant Pablo Torres Zaragosa (ZARAGOSA), by and through his respective counsel of record, Erick L. Guzman, hereby stipulate as follows:

1. On August 21, 2014, a federal grand jury returned an indictment against the defendant. Defendant was charged with conspiracy to distribute, and to possess with intent to distribute, methamphetamine, in violation of 21 U.S.C. § 846 and possession with intent to distribute, and

1 distribution of, methamphetamine in violation of 21 U.S.C. § 841(a)(1). Defendant has been arraigned
2 on the indictment and entered a plea of not guilty. A status conference hearing before this Court is
3 scheduled for 1:30 p.m. on Friday, October 17, 2014.

4 2. Counsel for defendant ZARAGOSA represents that additional time is necessary to
5 confer with defendant, conduct and complete an independent investigation of the case, conduct and
6 complete additional legal research including for potential pre-trial motions, review the discovery
7 already produce and soon to be produced, as well as potential evidence in the case, and prepare for
8 trial in the event that a pretrial resolution does not occur. Defense counsel represents that failure to
9 grant the continuance would deny him reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence. Counsel for defendant also agrees that the requested
11 continuance is necessary and excludable for purposes of continuity of counsel. The parties agree that
12 the continuance granted by the Court was not based on congestion of the Court's calendar, lack of
13 diligent preparation on the part of the attorney for the government or the defense, or failure on the part
14 of the attorney for the government to obtain available witnesses.

15 3. For purposes of computing the date under the Speedy Trial Act by which defendant's
16 trial must commence, the parties agree that the time period of October 17, 2014, to December 2, 2014,
17 inclusive, should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and (h)(7)(B)(iv)
18 because the delay results from a continuance granted by the Court at defendant's request, without
19 government objection, on the basis of the Court's finding that: (i) the ends of justice served by the
20 continuance outweigh the best interest of the public and defendant in a speedy trial; (ii) failure to grant
21 the continuance would be likely to make a continuation of the proceeding impossible, or result in a
22 miscarriage of justice; and (iii) failure to grant the continuance would unreasonably deny defendant
23 continuity of counsel and would deny defense counsel the reasonable time necessary for effective
24 preparation, taking into account the exercise of due diligence.

25 4. Defendant's counsel represents that he has fully informed his client of his Speedy Trial
26 rights and that, to his knowledge, his client understands those rights and agrees to waive them.

Defendant's counsel further believes that his client's decision to give up the right to be brought to trial earlier than if time were not excluded from the Speedy Trial Act is an informed and voluntary one.

5. Nothing in this stipulation shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods be excluded from the period within which trial must commence. Moreover, the same provisions and/or other provisions of the Speedy Trial Act may in the future authorize the exclusion of additional time periods from the period within which trial must commence.

IT IS SO STIPULATED.

Dated: October 15, 2014

MELINDA HAAG
United States Attorney

/S/ Garth Hire
GARTH HIRE
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

/S/ per e-mail authorization
ERICK L. GUZMAN
Attorney for Defendant
Pablo Torres Zaragosa

10/15/2014
Date

~~PROPOSED~~ ORDER

The Court has read and considered the Stipulation Regarding Request for (1) Continuance of Hearing Date and (2) Findings of Excludable Time Periods Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that support a continuance in this matter, and provides good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in a speedy trial; (ii) failure to grant the continuance would be likely to make a continuation of the proceeding impossible, or result in a miscarriage of justice; and (iii) failure to grant the continuance would unreasonably deny defendant continuity of counsel and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

THEREFORE, FOR GOOD CAUSE SHOWN:

The status conference in this matter scheduled for October 17, 2014, is continued to 11:00 a.m. on Tuesday, December 2, 2014. The time period of October 17, 2014, to December 2, 2014, inclusive, is excluded in computing the time within which the trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv). Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which trial must commence. Moreover, the same provisions and/or other provisions of the Speedy Trial Act may in the future authorize the exclusion of additional time periods from the period within which trial must commence.

IT IS SO ORDERED.

10/16/14
DATE



HONORABLE JAMES DONATO
UNITED STATES DISTRICT JUDGE